IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1905 OF 2005 (S/S)

Roop Singh s/o Late Rudra Singh
Incharge Assistant Clerk,
Government Higher Secondary School,
Salla Chingri, P.O. Chingri,
Pithoragarh ..... Petitioner.

Vs.

1. Joint Director Education,
   Kumaon Mandal, Nainital
2. District Inspector of Schools,
   Principal.
3. Principal,
   Govt. Higher Secondary School,
   Pithoragarh. ..... Respondents.

December 20,2005

Sri B.S. Adhikari, learned counsel for the petitioner.
Sri Paresh Tripathi, Standing Counsel for the State.

Hon'ble Rajesh Tandon, J.

1. Heard Sri B.S. Adhikari, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for the State. Both the learned counsel for the parties have agreed that this writ petition may be disposed of at the admission stage.

2. By the present writ petition, the petitioner has prayed for a writ of mandamus directing the respondents to consider the case of the petitioner for the post of Assistant Clerk on which he is already working from last many years.

3. briefly stated, the petitioner was appointed as Class IV employees vide Order No. 200/Five 38/76-77 dated 14.10.1976 of District Inspector of Schools, Pithoragarh on the scale of Rs. 165-215/-. After his appointment as class IV employee, he joined his duties on 19.10.1976 at Government Higher Secondary School, Digali Chaur,

Pithoragarh. At Government Higher Secondary School, Diglichaur, Pithoragarh, the post of Assistant Clerk was vacated in the year 1986. The petitioner being the senior and qualified person was appointed as Assistant Clerk initially for the period of about one year. On 17.8.1991, he was transferred from Government Higher Secondary School, Digalichaur to Government Higher Secondary School, Salla Chingari at Pithoragarh and he joined there. Thereafter in Government Higher Secondary School, Salla Chingari, Pithoragarh, the post of Assistant Clerk had also fallen vacant in the month of June 1997 and the charger of Assistant Clerk had again come to the petitioner on 07.07.1997. the grievance of the petitioner is that he is already continuing but he has not been regularized in the said post for which he had made representations to the authority concerned, which has been annexed as Annexure 5 dated 05.04.2001 and Annexure 5 A dated 26.06.2004 and the same have not yet been disposed of. Without entering into the merits of the case, both the parties have agreed that the representations of the petitioner may be disposed of. Hence, the respondent authority is directed to consider the representations of the petitioner in accordance with law within a period of six weeks from the date of production of certified copy of the order.

4. Subject to above, the writ petition is disposed of.

(Rajesh Tandon, J.)

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